U.S. SMALL BUSINESS ADMINISTRATION
OFFICE OF ADVOCACY
REGULATION • RESEARCH • OUTREACH

April 11, 2025

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: "In Re: Delete, Delete, Delete" GN Docket No. 25-133

Dear Ms. Dortch:

The Office of Advocacy respectfully submits the attached Comments in the above-referenced proceeding. Please do not hesitate to contact me or my staff with any questions.

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Before the

FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

In the Matter of
In Re: Delete, Delete, Delete GN Docket No. 25-133

RESPONSE TO CALL FOR COMMENTS

U.S. SMALL BUSINESS ADMINISTRATION OFFICE OF ADVOCACY

I. About the Office of Advocacy

Congress established the Office of Advocacy (Advocacy) under Pub. L. 94-305 to represent the views of small business before federal agencies and Congress. Advocacy is an independent office within the U.S. Small Business Administration (SBA), so the views expressed by Advocacy come from input received from outreach to small businesses and do not necessarily reflect the views of the SBA or the Administration. Part of Advocacy's role under the Regulatory Flexibility Act (RFA) is to assist agencies in understanding how regulations may impact small businesses, and to ensure that the voice of small businesses is not lost within the regulatory process.[1] Congress crafted the RFA to ensure that regulations do not unduly inhibit the ability of small entities to compete, innovate, or comply with federal laws.[2] In addition, the RFA's purpose is to address the adverse effect that "differences in the scale and resources of regulated entities" has had on competition in the marketplace.[3]

II. Background

Regulatory burdens have increased within the United States with an overwhelming amount of red tape generated by federal agencies. As a result, President Trump has committed to a government-wide initiative aimed at unleashing prosperity, particularly for small entities, through deregulation.[4] Advocacy has worked with federal agencies to assist in reviewing rules to determine the impact of the regulatory burden on small entities.[5]

On March 12, 2025, Chairman Carr announced a deregulation initiative at the Federal Communications Commission (FCC) titled, *In Re: Delete, Delete, Delete.*[6] Advocacy commends the FCC for undertaking this review and inviting the public to participate. Small businesses across the country have spoken with

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[1] Pub. No. 96-354, 94 Stat. 1164 (1980) (codified at 5 U.S.C. §§ 601-612).
[2] *Id.* § 2(a)(4-5), 5 U.S.C. § 601 note (Findings and Purposes).
[3] *Id.* § 2(a)(4), 5 U.S.C. § 601 note (Findings and Purposes).
[4] *See, e.g.,* Exec. Order No. 14,192, 90 Fed. Reg. 9065 (Feb. 6, 2025); *see also* Exec. Order No. 14,219, 90 Fed. Reg. 10583 (Feb. 25, 2025).
[5] *See* 5 U.S.C. § 610.
[6] Fed. Commc'n Comm'n, *FCC Opens 'In Re: Delete, Delete, Delete' Docket* (Mar. 12, 2025), https://www.fcc.gov/document/fcc-opens-re-delete-delete-delete-docket.

Advocacy regarding what rules the FCC should consider for deregulatory action. Small entities expressed they are often the last to understand the inner workings of a federal agency and are unable to deploy the time and resources their large competitors expend to engage with the FCC. Small businesses under the FCC's regulatory scope described spending multiple days every month filing forms to the agency, reading through the agency's dockets, and hiring lawyers to ensure compliance with all orders. Keeping track of the FCC's regulatory burdens requires numerous hours and large expenses for every small radio operator, broadcaster, internet, or cell provider. Advocacy is encouraged to see the FCC seeking input from small businesses to alleviate regulatory burdens. Advocacy makes the following recommendations that have been expressed by the small entities that the FCC regulates.

III. Advocacy's Recommendations

Based on feedback from small entities and their representatives, Advocacy provides the following rules and regulatory concerns for FCC's consideration:

A. Eliminating the "1-1 consent" rule, *Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls*, CG Docket Nos. 02-278 and 21-402, 17-59

On December 13, 2024, the FCC adopted a final rule that required callers covered by the FCC's robocalling and robotexting regulations to obtain consent to make such calls or texts from one customer at a time (1-1 consent).[7] When this rule was proposed, Advocacy commented that the small business communities that rely upon buying and selling leads, such as small credit unions and insurance companies, would be significantly impacted by this rule.[8]

Small businesses have discussed with Advocacy the extensive work they have gone through to update their systems in anticipation of this rule and the lack of clarity within the small entity compliance guidance for this rule.[9] Small businesses are concerned this rule would open a new string of litigation that may target small businesses who struggle to understand the complexity in implementing the FCC's requirements and force large settlements on small businesses. When reviewing the small entity compliance guidance, small businesses are distressed they are not properly implementing the rule and fear having to spend countless hours and funds to prove that they had proper consent whenever litigation arises. [10]

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[7] Targeting and Eliminating Unlawful Text Messages, Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls, CG Docket Nos. 02-278 and 21-402, 17-59, Second Report and Order, FCC 23-107 (Dec. 13, 2023), https://docs.fcc.gov/public/attachments/FCC-23-107A1.pdf.

[8] U.S. Small Bus. Admin, Off. of Advocacy, Comment Letter on FCC Proposal to Require 1-1 Consent for Robotexts and RoboCalls (Dec. 1, 2023), https://advocacy.sba.gov/2023/12/01/advocacy-requests-further-analysis-of-fcc-proposal-to-require-1-1-consent-for-robotexts-and-robocalls/.

[9] *See* FED. COMMC'N COMM'N, SMALL ENTITY COMPLIANCE GUIDE: TARGETING AND ELIMINATING UNLAWFUL TEXT MESSAGES, RULES AND REGULATIONS IMPLEMENTING THE TELEPHONE CONSUMER PROTECTION ACT OF 1991, DA 24-910 (Sept. 10, 2024), https://docs.fcc.gov/public/attachments/DA-24-910A1.pdf.

[10] *See id.*

On January 25, 2025, one day before the rule became effective, the FCC ordered the effective date of this rule to be pushed back to January 26, 2026.[11] Advocacy recommends this rule be removed because of the outsized impacts on small businesses. While FCC did not calculate the cost impact of these requirements on small businesses, Advocacy expects that small businesses overall may save hundreds of millions of dollars a year in regulatory compliance if revoked. Advocacy is ready to assist the FCC in calculating and understanding key small business impacts of its rules to lessen regulatory burdens.

B. Forms Reform

Small entities often face a deluge of forms from the FCC that they must file. The Paperwork Reduction Act (PRA) is meant to minimize the paperwork burden on the public and state, local, and tribal governments,[12] and requires the Office of Management and Budget (OMB) to review and approve agency collections of information.[13] However, the FCC is one of two independent agencies with delegated authority from OMB to review and approve the agency's own collections of information.[14] Specifically, FCC is delegated the authority to "review and approve currently valid (OMB-approved) collections of information, including collections of information contained in existing rules, that have a total annual burden of 5,000 hours or less and a burden of less than 500 hours per respondent."[15] Even with the PRA, however, the FCC has more than 450 active collections of information, resulting in more than 46 million annual burden hours and more than $874 million in annual costs.[16]

Small entities that are impacted by the FCC's regulations have expressed concerns that they must build significant resources and time into their business plans to ensure forms are timely completed. They must also keep aware of any updates the Commission makes during the year. Streamlining forms and clarifying the steps small businesses need to take to comply with the FCC will allow small businesses to thrive and innovate. Advocacy encourages FCC to thoroughly review and streamline existing forms for ease of use for small entities.

C. Guidance Clarity

Advocacy encourages the FCC to carefully consider how it implements small entity compliance guidance. Under the Small Business Regulatory Enforcement Fairness Act of 1996, agencies must create small entity compliance guides to simplify dense regulations.[17] Small entities have expressed their concerns that the FCC's small entity compliance guidance falls short of its goals.

When the FCC produces guidance that merely states the text of the rule, they avoid Congress's intention of "regulatory compliance simplification." Small entity compliance guidance should be aimed at

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[11] Targeting and Eliminating Unlawful Text Messages; Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Advanced Methods to Target and Eliminate Unlawful Robocalls, DA 25-90 (Jan. 24, 2025), https://docs.fcc.gov/public/attachments/DA-25-90A1.pdf.
[12] S*ee* Paperwork Reduction Act of 1995, 44 U.S.C. § 3501(1).
[13] *See* 44 U.S.C. § 3504(c).
[14] 5 C.F.R. § 1320.16(d).
[15] *See* 5 C.F.R. § 1320.16(d)(2) & § 1320 App'x A.
[16] *See,* Off. of Info. & Regul. Aff., *Inventory of Currently Approved Information Collections April 01, 2025*, https://www.reginfo.gov/public/do/PRAMain (choose "Federal Communications Commission" from dropdown under "Current Inventory"; then click "Submit") (last accessed Apr. 1, 2025).
[17] Small Business Regulatory Enforcement Fairness Act of 1996, § 212(a), 5 U.S.C. § 601 note. ("The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities.").

simplifying the regulation's complexities and providing clear instructions to small entities that want to comply with the FCC's rules. Advocacy encourages the FCC to create better guidance that small entities can routinely rely on. Creating more thorough and timely compliance guidance ensures that more people can comply with FCC rules and helps small businesses avoid costly litigation and enforcement actions. Regulatory burdens can be lowered by explaining the purpose and impact of regulations to the public. The FCC should be the expert in communicating the regulatory requirements to the public.

Additionally, small entities have expressed that compliance guidance usually is too little and too late. When compliance guidance comes out just before the rule's effective date, small businesses have already expended resources to understand the rule on their own and ensure they are complying. Small businesses told Advocacy that they must hire outside counsel to comply with rules. They also expressed they do not trust the agency's compliance guidance to be complete and accurate.

Small businesses need ways to understand the rules, importance of the policy objectives, and actions required to comply with the rule. Currently, both a small radio operator and a cellphone tower operator must dig through the same pile of FCC documents to try to determine what applies to their business. The FCC should better communicate with the public.

Advocacy also heard from small businesses that the FCC should create a clearer, more user friendly, and navigable website.

D. Spectrum Allocation

Spectrum allocation is a necessary step to increase competition and innovation. With an increased effort to more efficiently allocate spectrum licenses, the FCC can fundamentally improve how Americans interact with technology around them. Small entities express that they need more unlicensed spectrum to use and experiment with novel devices. Advocacy supports the FCC's recent proposal to auction AWS-3 licenses in the 1695-1710 MHz, 1755-1780 MHz, and 2155-2180 MHz band.[18] While larger reforms remain outside the purview of this current retrospective review of regulations, Advocacy strongly encourages the FCC to use all vested authority to ensure that more spectrum is allocated more efficiently to small entities. The FCC should encourage small businesses to innovate and efficiently utilize the nation's resources.

IV. Recommendations from Small Broadcasters (Radio and Television)

Advocacy spoke to small broadcasters and their representatives in the radio and television sectors. Based on their feedback, Advocacy shares the following rules for FCC's consideration for review:

A. Ownership Caps

1. National TV Ownership Cap Rules[19]

Current FCC rules prevent one television station owner from owning or controlling TV stations that, in total, reach more than 39 percent of television households. Small television station owners have expressed concern that this standard is out of sync with the current state of media and request the FCC remove the

[18] Fed. Commc'n Comm'n, *FCC Seeks Comment on Auction of AWS-3 Licenses*, DA-25-193 (Mar. 11, 2025), https://www.fcc.gov/document/comment-sought-auction-aws-3-licenses.
[19] 47 C.F.R. § 73.3555(e).

national ownership cap. They observe that this national cap is not present for streaming companies and therefore creates an unnecessary and outdated constraint on their businesses.

2. Local TV Ownership Cap Rules[20]

The FCC prohibits broadcasters from acquiring two television stations that are ranked among the top four in audience share in the same local market. It also bans common ownership of more than two stations in any local market, regardless of their audience share or the number of stations in the market. Small television broadcasters have expressed their concern that these are outdated rules and prevent them from expanding their business. They request the FCC remove the local ownership cap.

3. Local Radio Ownership Cap Rules[21]

Radio station groups are limited in the number of stations they can own in a given market based on market size. These limits say nothing about intra-market competition. Rather, they are just flat limits based on how many stations are in the market. The FCC also prevents station groups from owning certain numbers of stations in AM or FM. Given the diminished state of radio broadcasting, small radio operators recommend there should be no formal ownership limitations, and the FCC should completely deregulate stations below the top 75 markets in the country.

B. Recordkeeping and Reporting

4. Public File Reporting Requirements[22]

The FCC requires broadcast stations to provide information about each station's operations and services, including information about political time, quarterly lists of the most significant programs each station aired concerning issues of importance to its community, data on ownership of each station, and active applications each station has filed with the Commission. Small broadcasters recommend the FCC eliminate as much of the public file reporting requirements as possible. These requirements are onerous, create significant risks of fines, and cause small broadcasters concern that the public is not reviewing this information.

5. Equal Employment Opportunity (EEO) Rules[23]

Broadcasters are required to widely disseminate job vacancy notices, send vacancy notices to requesting organizations, conduct non-vacancy-specific outreach initiatives, maintain extensive internal records of their EEO efforts, and periodically file extensive reports with the FCC. These required reports also collect information about a station's workforce composition, such as race, ethnicity, and gender by job category. Currently, the FCC enforcement of this rule includes an annual random audit of five percent of radio and TV stations. Further, small broadcasters expressed that these rules are seemingly designed to pressure their hiring practices and cause a great deal of expense with no value to the agency or the public whatsoever. Small broadcasts request the FCC to substantially reduce obligations and recordkeeping.

[20] 47 C.F.R. § 73.3555(b).
[21] 47 C.F.R. § 73.3555(a).
[22] 47 C.F.R. § 73.3526(b)(2).
[23] 47 C.F.R. § 73.2080; 47 C.F.R. § 73.3612.

6. Certain Foreign Sponsorship ID Requirements[24]

The foreign sponsorship ID rules apply to leases of airtime that the FCC expanded to include non-candidate political advertising and Public Service Announcements. In addition to requiring disclosure, the rules also require broadcasters to obtain certifications from all lessees in the form of self-certifications or screenshots proving that the lessees are not listed in government databases as foreign governmental entities. Small broadcasters ask for the expanded rules that dramatically increase burdens on small broadcasters to be eliminated, but the FCC should retain uniform on-air disclosures. The corroboration requirement, as applied to all leases, should also be eliminated. Further, small broadcasters ask that the Commission specify the terms for proper due diligence.

7. Artificial Intelligence (AI) Disclosure[25]

The FCC has a pending proposal that would require a disclosure on political ads if AI was used to generate the advertisement. Small broadcasters ask the FCC to close this proposal because it would disproportionately harm small TV broadcasters and confuses viewers as to the authenticity of the TV ad. AI is a growing part of daily life. Such a requirement would trap the industry in the past and levy onerous compliance burdens on top.

8. Ownership Reports[26]

Under FCC's rules, TV and radio stations must file a form every other year reporting all attributable interests in licensees. Small broadcasters request the FCC eliminate this requirement outright or reduce the frequency of filings to initial licensing and upon assignments or transfers of permits or licenses. Further, the FCC could simply require stations to certify on license renewal applications that reports are up to date.

9. Disaster Reporting[27]

The FCC has a pending proposal that would mandate filings in the Disaster Information Reporting System (DIRS). Often, small broadcasters are the only ones covering a local weather emergency, since other broadcasters have no local people in their studios. Small broadcasters recommended that the FCC close this proposal since the voluntary DIRS reporting alone is effective and allows stations flexibility to focus on core duties during a disaster.

C. Broadcasting Requirements

10. Advanced Television Systems Committee (ATSC) Standards[28]

The simulcast rule requires small broadcasters transitioning to ATSC 3.0 to maintain an ATSC 1.0 simulcast of their programming streams by entering into complex hosting arrangements with their competitors. The "substantially similar" rule requires that the ATSC 1.0 simulcast be "substantially

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[24] 47 C.F.R. § 73.1212(j)(3)(i)-(v).
[25] Fed. Commc'n Comm'n, *FCC Proposes Disclosure Rules for the Use of AI in Political Ads,* MB Docket No. 24-211 (July 25, 2024), https://www.fcc.gov/document/fcc-proposes-disclosure-rules-use-ai-political-ads.
[26] 47 C.F.R. § 73.3615.
[27] 47 C.F.R. § 4.18.
[28] 47 C.F.R. § 73.3801(b)(1)-(3).

similar" to the ATSC 3.0 stream. Small businesses suggest the FCC limit the "substantially similar" rule to permit increased innovation during the transition and set dates for eliminating the simulcasting requirement and complete the transition to ATSC 3.0.

11. Children's Programming Rules[29]

Television stations are required to air at least 156 hours annually of core programming for children, including at least 26 hours per quarter of regularly scheduled weekly programs. They must air the majority of their core programs on their primary program stream. The rules also limit the display of certain website addresses during or adjacent to children's programming. TV stations must file annual reports with the FCC identifying the station's core programs and efforts to comply with obligations and must maintain records to verify compliance with commercial time limits. Small broadcasters recommend the FCC remove this rule and recommend the compliance reporting obligation be changed to a certification requirement at license renewal time.

12. Multilingual Emergency Alert Systems (EAS)[30]

The FCC's pending proposal would require broadcasters to provide EAS alerts in the primary language of their content, including non-English multicast channels. The FCC would create template EAS messages in various languages. Small broadcasters recommend the FCC close these proceeding because it will reduce the effectiveness of emergency alerts, and airing non-English EAS messages would be costly and extremely difficult for multicast stations.

13. Software-Based EAS[31]

The FCC's rules require the use of a physical hardware device to encode and decode EAS messages. Small broadcasters ask the FCC assist in creating an innovative approach to allow optional use of software EAS encoders/decoders.

14. Audible Crawl Requirements[32]

TV stations are required to make visual, non-textual emergency information that is displayed during non-newscast programming accessible to blind and low vision persons. This includes small moving weather radar maps displayed in the corner of regular programming. The rule has been waived for over a decade because no automated solution for compliance exists. Small broadcasters ask the FCC to amend the rule to allow compliance through aurally accessible text crawls that provide duplicative emergency information.

15. Announcing Renewals or Transfers[33]

Broadcast stations must publicly announce on their station that they are applying to renew their license, and they must put out a notice if they are transferring or assigning their license. Small broadcasters

[29] 47 C.F.R. § 73.670 (b)-(d).
[30] 47 C.F.R. §§ 11.51-11.56.
[31] 47 C.F.R. 11.2(e).
[32] 47 C.F.R. § 79.2(b)(2)(ii).
[33] 47 C.F.R. § 73.3580.

recommend the FCC eliminate the antiquated notice requirements for license renewals, assignments, or transfers.

16. Telephone Broadcast Rule[34]

Before recording a call for broadcast, the station must inform the party that they intend to broadcast the call. Small broadcasters recommend the FCC eliminate the telephone broadcast rule, as broadcast reporters are the only ones who must comply with the rule. There are also other privacy protections that safeguard the public.

17. FM Duplication[35]

FM stations may not devote more than 25 percent of their average broadcast week to programs that duplicate those of another commonly owned FM station if the stations' service areas overlap by more than 50 percent. Small broadcasters recommend this rule be removed because they are often focusing on local stories that no other broadcaster covers and seldom concern themselves with duplication caps. This rule merely creates a liability for small broadcasters and imposes artificial controls on their programming.

18. AM Efficiency[36]

AM efficiency standards mandate that AM antennas produce a minimum signal level at a distance of 1 km (or equivalent). Small broadcasters recommend the FCC eliminate the standard, as it artificially forces stations to use large antennas that may be physically impractical or expensive at some sites.

19. Air Call Signs at Beginning of Broadcasts[37]

The FCC's station identification rule requires television and radio broadcasters to air their call signs and community of license at the top of each hour. Small broadcasters take pride in being able to state their call signs at the beginning, in the middle of, and at the end of their broadcasts. Small broadcasters recommend removing this rule because requiring call signs creates liability for small owners and is largely an outdated and unnecessary rule given the current state of technology that can display the station's name and information. Further, it is unlikely that small broadcasters would stop using their call signs, but they would be relieved from an outdated rule from the FCC.

20. News Distortion Policy[38]

The news distortion policy is an informal doctrine without clear standards that permits the FCC to take enforcement action if a station is found to have deliberately distorted or staged the news. Small broadcasters expressed the news distortion policy is contrary to the public interest and request further clarity on the FCC's policy.

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[34] 47 C.F.R. § 73.1206.
[35] 47 C.F.R. § 73.3556.
[36] 47 C.F.R. §§ 73.45(b)(2), 73.186(b), & 73.189.
[37] 47 C.F.R. § 73.1201.
[38] Fed. Commc'n Comm'n, *Broadcast News Distortion*, https://www.fcc.gov/broadcast-news-distortion (last updated July 18, 2024) (an informal policy that has been implemented by the FCC for over 50 years).

21. Broadcast Contest Rule[39]

The FCC has rules that require stations to fully and accurately disclose contest rules. Small stations have expressed their concern that this creates liability for innocent failures to disclose or abide by contest rules. Further, there are duplicative duties at the FTC in policing false or deceptive contests.

22. Broadcast Hoax[40]

The FCC rules prohibit stations from broadcasting false information about a crime or catastrophe, especially if the communication causes public harm. While small businesses understand the important underlying goal of this rule, this can expose small stations to liability even for benign pranks. Small businesses expressed that there also are other mechanisms for policing false or deceptive contests, such as the FTC's authority.

V. Recommendations from Small Providers (Internet and Cellular)

Advocacy spoke to small providers and their representatives in the internet and cellular sectors. Based on their feedback, Advocacy shares the following rules for FCC's consideration for review:

A. Broadband Data Collection Submissions

23. Professional Engineer Certification Requirement[41]

The FCC has required that a "qualified engineer" verify the submission of small providers for Broadband Data Collection filings. The FCC has clarified that the "qualified engineer" must have received the "Professional Engineer" certification from the National Council of Examiners for Engineering and Surveying. Small providers emphasize that the radio-frequency engineers do not typically complete the professional engineer certification. Getting engineers into their rural and small communities is a struggle for small providers. Requiring high levels of certification for their employees creates an untenable workforce problem. Small providers recommend the FCC exempt small businesses from this requirement or take action to address the shortage of "Professional Engineers."

24. Outdoor Stationary Data Requirements for Mobile Broadband Maps[42]

The FCC requires that outdoor stationary data is the standard for creating mobile broadband maps. Small providers have expressed concern that requiring stationary data overstates coverage for larger providers, often giving the larger providers a bigger "footprint" while providing low quality mobile connectivity. Small providers recommend that the FCC use a mobile data standard, not stationary data. This is more reflective of the use of mobile networks. In addition, small providers can highlight their strengths more clearly compared to their large competitors.

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[39] 47 C.F.R. § 73.1216.
[40] 47 C.F.R. § 73.1217.
[41] 47 C.F.R. § 1.7004(d).
[42] *See* FED. COMMC'N COMM'N BROADBAND DATA COLLECTION, DATA SPECIFICATIONS FOR BIANNUAL SUBMISSION OF SUBSCRIPTION, AVAILABILITY, AND SUPPORTING DATA (Nov 25, 2024) https://us-fcc.app.box.com/v/bdc-availability-spec.

B. Mobile Challenge Process

25. Mobile Challenge Process[43]

When the FCC started developing broadband maps, the agency also launched a challenge process to ensure that the maps are accurate and receive public input. Many small providers are concerned at the state of the map and worry that the FCC is not building a robust challenge process. Small county governments have also expressed they are unaware of the maps in general and note that the map is not accurate. Small providers and small counties recommend the FCC narrow the scope of data field requirements necessary to submit bulk data challenges for mobile maps and facilitate submission of non-FCC crowdsourced data. Small counties also encourage a concerted effort by the FCC to engage local governments across the country, as they are valuable stakeholders.

C. Consumer Protection Issues

26. Broadband Label[44]

The FCC recently implemented rules that require providers to supply information pertaining to monthly prices and one-time fees; speeds and performance; data allowances, such as monthly data caps and consequences of exceeding caps; network management practices; and additional fees or terms. Providers are also required to display labels in a clear, prominent, and easily accessible format before a customer purchases the service. Small providers requested this rule be removed because it is overly prescriptive and creates an unnecessary cost on small providers, especially when they are improving their services. Further, small providers find that this prescriptive list of features prevents them from communicating their offers and services that differentiate them from large businesses.

27. Digital Discrimination Order[45]

The FCC has implemented the *Digital Discrimination* standard that was passed as part of the Infrastructure Investment and Jobs Act. The FCC has chosen to enforce this standard by using a disparate impact standard rather than an intent-based standard. Small providers request this rule be changed to an intent-based standard because a disparate impact standard permits the FCC to challenge nearly any wireless providers' business decisions, whereas an intent-based standard requires a clear showing of an intent to discriminate.

28. Hearing Aid Compatibility[46]

The FCC has taken steps to increase hearing aid compatibility (HAC) and passed rules that require providers to publish information online. This includes a list of all currently offered handsets indicating their HAC ratings and information about each handset. Small providers encourage the FCC to allow small providers to refer to the Global Accessibility Reporting Initiative, which maintains lists of all accessible devices, rather than compiling all this information for each hearing aid. The same information is also on the hearing aid's packaging and on the original equipment manufacturer's website. Removing this rule

[43] 47 C.F.R. § 1.7006(f), (e)(2).
[44] 47 C.F.R. § 8.
[45] 47 C.F.R. § 0, 1, & 16.
[46] 47 C.F.R. § 20.19(h).

would reduce the administrative and recordkeeping fees for small providers and would not negatively impact consumers.

D. Environmental and Historic Preservation

29. Environmental and Historic Preservation[47]

Small providers have expressed concerns on the numerous hours and costs associated with seeking environmental and historical assessments under the National Historic Preservation Act and the National Environmental Policy Act (NEPA). These burdensome and time-consuming processes contribute to slow infrastructure development across the country. All agencies must update NEPA regulations to with the goal of expediting and simplifying the permitting process by Feb 19, 2026.[48] Small businesses encourage the FCC to review the expansive assessment requirements, find ways to streamline the process, and aim at reversing the trend of slow infrastructure deployment.

E. Universal Service Fund

30. Claw Back Provisions[49]

The FCC's rules for the Universal Service Fund include a claw back provision that permits the FCC to take enforcement actions, reduce support, and revoke Eligible Telecommunications Carriers (ETC) designation if they do not meet public interest obligations or other terms and conditions. Small providers recommend that the FCC remove this rule. The claw back provision can unfairly punish small providers acting in good faith but otherwise face deployment challenges or financial uncertainty. The provision can also discourage providers from participating in the Universal Service Fund altogether.

31. High Cost Universal Broadband (HUBB) Reporting Obligations[50]

Small businesses said that HUBB reporting lacks flexibility in cases where required deployment locations become unserviceable through no fault of the providers, such as destruction or reclassification. The HUBB system excludes serviceable locations that are listed in Broadband Data Collection filings but lack assigned addresses, even though they have valid latitude and longitude data. Small providers request this rule be removed because they are concerned that these reporting obligations can lead to undercounting actual deployment along with hampering accurate reporting.

32. Universal Service Administrative Company (USAC) Performance Measurement Portal[51]

USAC is the organization that implements the Universal Service Fund and requires continued quarterly certifications of network performance tests. Small providers request a reduction in reporting to USAC because ongoing reporting is redundant once a provider has reached the required buildout milestones.

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[47] 47 C.F.R. § 1.1307.
[48] Memorandum from Katherine Scarlett, Chief of Staff, Council of Env't Quality, to Heads of Federal Departments & Agencies, *Implementation of the National Environmental Policy Act*, 4 (Feb. 19, 2025), https://ceq.doe.gov/docs/ceq-regulations-and-guidance/CEQ-Memo-Implementation-of-NEPA-02.19.2025.pdf ("Federal agencies must revise their NEPA implementing procedures (or establish such procedures if they do not yet have any) to expedite permitting approvals and for consistency with NEPA.").
[49] 47 C.F.R. § 54.322(c).
[50] 47 C.F.R. § 54.313.
[51] 47 C.F.R. § 54.313(a)(6).

Competitive market dynamics already incentivize providers to maintain acceptable speeds and latency. Small providers are concerned that the continued reporting requirement imposes unnecessary administrative burdens without yielding meaningful additional oversight.

33. FCC Form 481 Reporting Requirements[52]

The FCC requires providers to submit an annual form on financial and operations information to USAC. Small providers stated that once the small provider has demonstrated sufficient network performance, the annual FCC Form 481 offers little additional value. Therefore, they request this filing requirement be reduced.

F. Public Safety and Network Resiliency

34. Outage Reporting Obligations[53]

The FCC promulgated a rule with an effective date of April 15, 2025 that requires providers to send outage notices within 30 minutes of discovering the outage. Small carriers have expressed their concerns that 30 minutes is too short for small businesses and expressed concerns over the difficulty in determining who is affected in such a short time frame. Small carriers believe that this rule will result in over-notification and alert fatigue and request the FCC relax this requirement.

35. Outage Notification Methods[54]

The FCC's rule requiring providers to notify 911 special facilities of outages via both email and telephone seems duplicative to small carriers. Small carriers request this rule be updated because they expressed confusion as to why both telephone and email notifications are required when an email update is often sufficient.

36. Location Accuracy Reporting[55]

The FCC's 911 Wireless location accuracy rules require Commercial Mobile Radio Services providers to file biannual reports with statistics about the location accuracy of 911 calls. Small providers expressed that location accuracy technology has advanced, but the contents of the report has not changed significantly. Small providers recommend this rule be removed because the reporting obligation is an unnecessary burden that does not provide the FCC with any meaningful new information.

37. NextGen911 (NG911) Transition to Public Safety Answering Point (PSAP) Designation[56]

Current FCC rules allow PSAPs to unilaterally designate NG911 delivery points. Small entities recommend the Commission alter the current rule to require approval from Originating Service Providers before a delivery point is officially designated.

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[52] 47 C.F.R. §§ 54.313, 54.422.
[53] 47 C.F.R. § 4.9, 9.19(a).
[54] 47 C.F.R. § 4.9(e).
[55] 47 C.F.R. § 9.
[56] 47 C.F.R. § 9.32.

G. Network Resiliency

38. Mandatory Disaster Response Initiative (MDRI) Requirement for Automatic Roaming[57]

Current MDRI rules require providers to enter into a Roaming Under Disaster arrangement with all other facilities-based mobile wireless providers which may foreseeably request roaming privileges, when the MDRI is active. Small carriers recommend allowing flexibility to adapt to the unique circumstances of each disaster and coordinating bilaterally on roaming when it truly helps and is technically feasible.

39. Wireless Emergency Alerts (WEA)[58]

Current FCC rules require Commercial Mobile Radio Services providers to update the FCC's WEA database twice a year to report changes to network coverage areas of WEA capabilities of mobile devices they sell. Small businesses have expressed that this unnecessary filing requirement increases the administrative burdens for small carriers and diverts attention from actual network upgrades. Small carriers request this rule be relaxed because overly stringent or accelerated WEA requirements could make continued voluntary participation infeasible for smaller carriers.

H. Cybersecurity

40. Communications Assistance for Law Enforcement Act (CALEA) Declaratory Ruling[59]

A recent Declaratory Ruling concludes that the Communications Assistance for Law Enforcement Act (CALEA) affirmatively requires telecommunications carriers to secure their networks from unlawful access or interception of communications. Small carriers have expressed concern that the FCC's interpretation of CALEA exceeded the intended scope of the law and request the FCC narrow the rule. This broad interpretation would impose undefined cybersecurity obligations on carriers and hinders necessary collaboration.

41. Annual Supply Chain Reporting[60]

In order to protect against national security threats, the FCC requires communications service providers file an annual report regarding whether they have purchased, rented, leased, or otherwise obtained equipment or services from businesses that are on the FCC's "Covered List." Small carriers expressed that ongoing annual supply chain reporting is unnecessary once a network is confirmed to contain no banned equipment. Small carriers request this rule be removed because requiring additional filings imposes unnecessary administrative costs with limited added value once compliance is achieved.

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[57] 47 C.F.R. § 4.17.
[58] 47 C.F.R. § 10.210(c).
[59] Fed. Commc'n Comm'n, *Protecting the Nation's Communications Systems from Cybersecurity Threats,* PS Docket No. 22-329 Declaratory Ruling and Notice of Proposed Rulemaking, FCC 25-9 (Jan. 15, 2025), https://docs.fcc.gov/public/attachments/FCC-25-9A1.pdf.
[60] Protecting Against National Security Threats to the Communications Supply Chain Through FCC Programs, WC Docket No. 18-89, Second Report and Order, FCC 20-176 (Dec. 10, 2020), https://docs.fcc.gov/public/attachments/fcc-20-176a1.pdf.

I. Customer Proprietary Network Information (CPNI)

42. SIM Swap/Port Out (SSPO) Rules[61]

Current FCC rules require small providers to secure customer authentication, immediately notify customers of account request changes, implement employee training and safeguards, provide account lock options, and implement fraud reporting processes. Small carriers ask the FCC to remove the SSPO rules because they are overly burdensome for small carriers. They shared that CPNI procedures have been proven as an adequate mechanism to combat any fraud attempts, so additional requirements are unnecessary.

43. Annual CPNI Compliance Certification[62]

Current FCC rules require providers to file a certification signed by an officer that the company has established operating procedures that comply with the FCC's CPNI rules. Providers must also provide explanations of any actions taken against data brokers and a summary of all consumer complaints regarding the unauthorized release of CPNI. Small providers request this requirement be removed because these certifications require significant time and are not clear if the certification provides the Commission with any benefit.

J. Data Breach Requirements

44. Definition of CPNI[63]

The FCC's Data Breach Order expanded the definition of CPNI provided in 47 U.S.C. § 222(h)(1) to include all Personally Identifiable Information (PII). Small businesses request this definition be removed because they are concerned that expanding the scope of covered data to include PII exceeds the Commission's authority. Further, reporting disclosures of PII would be excessively burdensome and require considerable time and resources for small carriers.

45. Definition of Breach[64]

"Breach" is defined as "any instance in which a person, without authorization or exceeding authorization, has gained access to, used, or disclosed covered data." The FCC's Data Breach Order expanded the Commission's definition of "breach" to include "inadvertent access, use, or disclosure of covered data." Small providers have expressed challenges in assessing and reporting incidents and request that this expanded definition be removed.

46. Definition of Harm Triggering Customer Notification Requirement[65]

The FCC's Data Breach Order defined "harm" as including, but not limited to, "financial harm, physical harm, identity theft, theft of services, potential for blackmail, the disclosure of private facts, the disclosure

[61] 47 C.F.R. § 64.201.
[62] 47 C.F.R. § 64.2009(e).
[63] WC Docket No. 22-21; 47 C.F.R. § 64.
[64] WC Docket No. 22-21; 47 C.F.R. § 64.
[65] WC Docket No. 22-21; 47 C.F.R. § 64.

of contact information for victims of abuse, and other similar types of dangers." Providers should consider the following factors when assessing harm: the sensitivity of all the business's information including noting what information was breached, the nature and duration of breach, mitigations, and intentionality. Small carriers have requested this rule be removed because they are unlikely to have sufficient information to reasonably determine whether such objective harms are likely.

47. Annual Reporting of Certain Small Breaches[66]

The FCC requires small providers to file a summary of all breaches occurring in the previous calendar year affecting fewer than 500 individuals and where no harm was determined. The FCC's intended purpose for collecting this data is to "study trends in breach activity," but small providers expressed this reasoning is not substantive enough to warrant requiring providers to undertake significant compliance efforts.

VI. Conclusion

Advocacy commends the FCC and Chairman Carr for pursuing this regulatory review process. Advocacy is prepared to collaborate with small entities from across the country to help the FCC achieve lasting and impactful results from this order. Advocacy will continue the important work of engaging with small businesses, small nonprofits, and small governmental jurisdictions to help them understand FCC regulations, facilitate the sharing of their feedback, and relay their concerns to the FCC.

As the FCC considers potential regulations for revision and rescission, Advocacy encourages the FCC to reach out to us early and often. Advocacy also encourages the FCC to thoroughly consider all the potential impacts that its actions will have on small entities, as required under the Regulatory Flexibility Act.

Sincerely,

/s/

Chip Bishop
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Office of Advocacy
U.S. Small Business Administration

/s/

David Mullis
Assistant Chief Counsel
Office of Advocacy
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[66] 47 C.F.R. § 64.2011.